

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

SHELDON PITTMAN,

Plaintiff,

v.

Case No. 8:20-cv-533-T-AAS

**ANDREW SAUL,
Commissioner,
Social Security Administration,**

Defendant.

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ORDER

Sheldon Pittman moves for attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. Section 2412. (Doc. 26). The Commissioner does not oppose the motion. (*Id.* at ¶ 6). Mr. Pittman requests \$4,408.10 in attorney's fees. The EAJA permits awards for reasonable attorney's fees and expenses to a prevailing party against the United States. 28 U.S.C. § 2412.

A January 22, 2021 order remanded the case to the Commissioner under sentence four of 42 U.S.C. Section 405(g) for further administrative proceedings. (Doc. 24). The Clerk entered judgment in favor of Mr. Pittman. (Doc. 25). Mr. Pittman now requests an award of attorney's fees under the EAJA. (Doc. 26).

The Commissioner does not contest the following: Mr. Pittman is the prevailing party; Mr. Pittman's net worth was less than \$2 million when he filed his complaint; the Commissioner's position was not substantially justified; no special circumstances make an attorney's fees award unjust; and Mr. Pittman's attorney's fees request is reasonable. A court should grant a Social Security claimant's request for attorney's fees when it is unopposed. *See Jones v. Colvin*, No. 8:13-CV-2900-T-33AEP, 2015 WL 7721334 (M.D. Fla. Nov. 30, 2015) (awarding unopposed attorney's fees request). Thus, Mr. Pittman is entitled to \$4,408.10 in attorney's fees.

Attorney's fees awarded to a claimant under the EAJA can be offset to satisfy the claimant's pre-existing debt to the United States. *Astrue v. Ratliff*, 560 U.S. 586, 589 (2010). Following this order, the United States Department of the Treasury will determine whether Mr. Pittman owes a debt to the United States. Mr. Pittman assigned his rights to EAJA fees to his attorney. (Doc. 26-2). If Mr. Pittman has no federal debt, the United States will accept his assignment of EAJA fees and pay the fees directly to counsel.

Accordingly, Mr. Pittman's motion for attorney's fees under the EAJA (Doc. 26) is **GRANTED**. Mr. Pittman is awarded **\$4,408.10** in attorney's fees.

ORDERED in Tampa, Florida on April 20, 2021.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style. The first name "Amanda" is prominent, followed by "Arnold" and "Sansone".

AMANDA ARNOLD SANSONE
United States Magistrate Judge